

# UNITED STATES DISTRICT COURT

NORTHERN

District of

WEST VIRGINIA

UNITED STATES OF AMERICA

v.

**Judgment in a Criminal Case**

(For Revocation of Probation or Supervised Release)

JAMIE DEREK BENNETT

Case No.

5:05CR29

USM No.

05136-087

Brendan S. Leary

Defendant's Attorney

U.S. DISTRICT COURT  
FILED AT WHEELING, WV

JUL 27 2010

NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

**THE DEFENDANT:**

☒ admitted guilt to violation of mandatory and special conditions of the term of supervision.

☐ was found in violation of \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	Law Violation - Trafficking in Drugs	05/22/2010
2	Law Violation - Carrying a Concealed Weapon; Possession of a Dangerous Weapon	05/22/2010
3	Law Violation - Driving on a Suspended License	05/22/2010
4	Unauthorized Association with a Person Under the Age of 18	05/22/2010

Violations 1 and 2 were admitted by preponderance of the evidence.

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 9564

Defendant's Year of Birth 1985

City and State of Defendant's Residence:

Bellaire, OH

July 26, 2010

Date of Imposition of Judgment

Frederick P. Stamp, Jr.  
Signature of Judge

Frederick P. Stamp, Jr., U.S. District Judge

Name and Title of Judge

July 27, 2010  
Date

DEFENDANT: JAMIE DEREK BENNETT  
CASE NUMBER: 5:05CR29

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Eighteen (18) Months.

X The court makes the following recommendations to the Bureau of Prisons:

X That the defendant be incarcerated at USP Tucson, Arizona;

X and at a facility where the defendant can participate in substance abuse treatment and mental health treatment as determined by the Bureau of Prisons.

☐ That the defendant be allowed to participate in any educational or vocational opportunities while incarcerated, as determined by the Bureau of Prisons.

X Pursuant to 42 U.S.C. § 14135A, the defendant shall submit to DNA collection while incarcerated in the Bureau of Prisons, or at the direction of the Probation Officer.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

X The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

X before 2 p.m. on August 27, 2010.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

☐ on \_\_\_\_\_, as directed by the United States Marshals Service.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JAMIE DEREK BENNETT  
CASE NUMBER: 5:05CR29

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: One (1) Year.

U.S. Probation Office is directed to monitor defendant's state sentence to determine if state parole is granted so that conditions may be modified or terminated at a later date.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The above drug testing condition is suspended, based on the court's determination that this condition has been satisfied during a previous term of supervision. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer unless previously collected by the Bureau of Prisons. (Check, if applicable.)
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et. seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JAMIE DEREK BENNETT  
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## **SPECIAL CONDITIONS OF SUPERVISION**

Defendant shall participate in a program of testing, counseling and treatment for drug abuse, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.

Defendant shall participate in a program of mental health counseling, including the prescribed regimen of psychotropic medications, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.

Defendant shall not possess any materials, including pictures, photographs, books, writings, drawings, videos or video games depicting and/or describing "sexually explicit conduct" as defined in 18 USC §§2256(2) and (8).

Defendant shall not possess or use any computer or other device to access any online computer service at any location, including employment, without prior approval of the Probation Officer. This includes any internet service provider, bulletin board system or any public or private computer network. The defendant shall consent to the Probation Officer conducting periodic unannounced examinations of the defendant's computer equipment, including all hardware and software. This may include removal of the defendant's computer equipment for a more thorough examination and possible copying of all data from the defendant's computer.

Defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation or is a student, as directed by the Probation Officer. The Probation Officer shall provide the state officials with any and all information required by the state sex offender registration agency and may direct the defendant to report to that agency in person for additional processing, such as photographing and fingerprinting. The defendant shall provide proof of registration to the Probation Officer within three (3) days of release from imprisonment.

Defendant shall consent to a third party disclosure to his employer in regards to his computer restriction.

Defendant shall participate in a sex offender treatment program which may include assessment and evaluation, psycho tropic medication and group and/or individual counseling. The defendant shall abide by all rules, requirements and conditions of such program, including submission to physiological testing, such as polygraph, plethysmograph and abel testing.

Defendant shall grant a limited waiver of his right of confidentiality in any records of mental health treatment/sex offender treatment imposed as a consequence of this judgment to allow the treatment provider to provide information to the Probation Officer and sign all necessary releases to enable the Probation Officer to monitor the defendant's progress. The Probation Officer shall disclose the presentence report and/or any previous sex offender or mental health evaluations to the treatment provider.

Defendant shall not reside in the residence where children under the age of 18 are residing, except with written permission of the Probation Officer.

Defendant shall not reside within direct view of school yards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities or other places primarily used by persons under the age of 18. The defendant's residence shall be approved by the Probation Officer and any change in residence must be pre-approved by the Probation Officer. The defendant shall submit the address of the proposed residence to the Probation Officer at least 10 days prior to any scheduled move.

Defendant shall not associate or have verbal, written, telephone or electronic communication with any person under the age of 18 except in the company of a responsible adult who is fully aware of the defendant's background and who has been approved by the Probation Officer.

Defendant is prohibited from places where minor children may congregate and shall not loiter within 100 feet of schoolyards, parks, daycare centers, playgrounds, residences, public swimming pools, youth centers and video arcade facilities or other places primarily used by persons under the age of 18.

Defendant shall not own, use or have access to the services of any commercial mail receiving agency, nor shall he open or maintain a post office box without the prior approval of the Probation Officer.

Defendant shall not contact the victims or their family members by any means, including in person, by mail or electronic means or via third parties.

Defendant shall neither use nor enter any establishment where pornography or erotica can be obtained or viewed.

Defendant shall not affiliate with, own, control and/or be employed in any capacity by a business, organization and/or volunteer activity that causes him to regularly contact persons under the age of 18.

Defendant shall not affiliate with, own, control and/or be employed in any capacity by a business whose principal product is the production and/or selling of materials depicting and/or describing "sexually explicit conduct" as defined in 18 USC §2256(2).

Defendant's employment shall be approved by the Probation Officer and any change in employment must be pre-approved by the Probation Officer. The defendant shall submit the name and address of the proposed employment to the Probation Officer at least 10 days prior to any scheduled change.

Defendant shall submit his person, residence, vehicle or space that is under his control to a search, from time to time, conducted by any Probation Officer without a warrant and upon reasonable suspicion. Failure to submit to a search may be grounds for revocation of supervision. The defendant shall warn other residents or occupants that such residence, vehicle or space that is under the defendant's control is subject to searches pursuant to this condition.